

**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE

APPLICATION Peter Robert Raffaele et al.
OF:

CASE: 2011142

SERIAL NO: 09/937,740

FILED ON: April 3, 2000

FOR: RECIPROCATING FLUID
MACHINES

**RESPONSE
TO NOTIFICATION OF
MISSING
REQUIREMENTS
MAILED 01/10/2002**

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTENTION OF:

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 04-1030.

This is in response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), mailed January 10, 2002, a copy of which is attached, indicating that the oath or declaration of the inventors is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

In response, Applicants now submit their fully executed Declaration and Power of

Attorney. Applicants also submit separate counterparts of their individually signed,
03/25/2002 MNGUYEN 00000084 09937740

01 FC:254

65.00 0P

LAW OFFICES OF
DICK AND HARRIS
181 WEST MADISON STREET
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Herbert H. Finn 38139
James K. Cleland 44619
Brad R. Bertoglio 47422
Jeffrey P. Dunning 50686

Verified Statements (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b) - Independent Inventor.

In addition to the foregoing, Applicant respectfully submits herewith the required surcharge fee of \$65.00.

Reconsideration and withdrawal is respectfully requested of the requirement for additional claim fees of \$306.00 as a small entity, including any required multiple dependent claim fee. Together with the filing of the instant application, Applicants filed a first Preliminary Amendment, a copy of which is enclosed. The first Preliminary Amendment deleted claims 2-15, 17-18, 20-21, 23, 25-34, 36-86 and 88-100 without prejudice, for the purpose of fee calculations, leaving only seven independent claims, namely, claims 1, 16, 19, 22, 24, 35 and 36. On Page 1 of the two-page Transmittal Letter, a copy of which is also enclosed, Item 15 was checked, indicating that the first Preliminary Amendment was included. On Page 2 of that same Transmittal Letter, the fee due was calculated on the basis of the seven independent claims remaining after the first Preliminary Amendment. Moreover, a check in the amount of \$660.00, a copy of which is also enclosed, was included for the total National Fee due in accordance with such calculations. Accordingly, it is respectfully submitted that there is no additional fee due, nor any defect for such additional fee for additional claim fees of \$306.00, including any required multiple dependent claim fee. Alternatively, the additional claims, for which fees are indicated to be due, are now respectfully requested to be deleted or canceled, in accordance with the first Preliminary Amendment.

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Should anything further be required, a telephone call to the undersigned, at (312) 726-4000, is respectfully invited.

Respectfully submitted,

LAW OFFICES OF DICK AND HARRIS

Dated: March 8, 2002



John S. Pacocha
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail postage pre-paid under 37 C.F.R. § 1.8 in an envelope addressed to Box PCT, Commissioner for Patents, Washington, D.C. 20231 on March 8, 2002.



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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

201

2002
U.S. APPLICATION NO. (UNKNOWN; SEE 37 CFR)

INTERNATIONAL APPLICATION NO.
PCT/AU00/00281

INTERNATIONAL FILING DATE
03 April 2000

PRIORITY DATE CLAIMED
01 April 1999

TITLE OF INVENTION

RECIPROCATING FLUID MACHINES

APPLICANT(S) FOR DO/EO/US

RAFFAELE, Peter Robert

RAFFAELE, Michael John

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Acknowledgement postcard

Form PCT/IB/308 (July 1996) evidencing transmittal of the International Application as filed

U.S. APPLICATION NO. (IF KNOWN, STATE) FR	INTERNATIONAL APPLICATION NO. PCT/AU00/00281	ATTORNEY'S DOCKET NUMBER 2011142
24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input checked="" type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>		<div style="border: 1px solid black; padding: 2px;">CALCULATIONS PTOUSE ONLY</div>
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).		<div style="border: 1px solid black; padding: 2px;">\$1,000.00</div> <div style="border: 1px solid black; padding: 2px;">\$0.00</div>
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	7 - 20 =	0
Independent claims	7 - 3 =	4
Multiple Dependent Claims (check if applicable) . <input type="checkbox"/>		<div style="border: 1px solid black; padding: 2px;">\$0.00</div>
TOTAL OF ABOVE CALCULATIONS =		<div style="border: 1px solid black; padding: 2px;">\$1,320.00</div>
<input checked="" type="checkbox"/> Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.		<div style="border: 1px solid black; padding: 2px;">\$660.00</div>
SUBTOTAL =		<div style="border: 1px solid black; padding: 2px;">\$660.00</div>
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).		<div style="border: 1px solid black; padding: 2px;">\$0.00</div>
TOTAL NATIONAL FEE =		<div style="border: 1px solid black; padding: 2px;">\$660.00</div>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). (check if applicable). <input type="checkbox"/>		<div style="border: 1px solid black; padding: 2px;">\$0.00</div>
TOTAL FEES ENCLOSED =		<div style="border: 1px solid black; padding: 2px;">\$660.00</div>
		Amount to be: refunded \$
		charged \$
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$660.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-1030</u> A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO:		
John S. Pacocha LAW OFFICES OF DICK AND HARRIS 181 West Madison St. Suite 3800 Chicago, IL 60602 (312) 726-4000		
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> </div> SIGNATURE John S. Pacocha NAME 25197 REGISTRATION NUMBER 28 September 2001 DATE		

LAW OFFICES OF DICK AND HARRIS
Commissioner of Patents & Trademarks

40045

9/28/2001 Invoice Date Invoice No. 2011142
National Phase Fee

Memo Amount
660.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

LAW OFFICES OF DICK AND HARRIS

(312) 726-4000
181 W MADISON ST., SUITE 3800
CHICAGO, IL 60602

AMERICAN NATIONAL BANK
AND TRUST COMPANY OF CHICAGO
CHICAGO, IL 60603

40045

2-7/7/10

DATE

AMOUNT

Six Hundred Sixty & No/100 Dollars

9/28/2001

660.00

Commissioner of Patents & Trademarks

Washington D.C., 20231

AUTHORIZED SIGNATURE

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

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